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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,476

03/08/2001

Melissa Lee Denbar

95-462

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23164

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10/18/2005

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EXAMINER

SEFCHECK, GREGORY B

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,476

Applicant(s)

DENBAR ET AL.

Examiner

Gregory B. Sefcheck

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2662



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-22, 24-37 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-22, 24-37, and 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed 8/5/2005 is acknowledged.
- The Amendments to the Specification are accepted.
- Claims 11, 5, 7, 11, 16, 20, 24, 26, 30, 35, 39, 41, and 45 have been amended.
- Claims 4, 23, and 38 have been cancelled.
- Claim 49 has been added.
- Claims 1-3, 5-22, 24-37, and 39-49 remain pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 24, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 5, 24, and 39 recite the limitation "the determining step/means" on lines 1-2 of the claims. There is insufficient antecedent basis for this limitation in the claims, due to the cancellation of claims 4, 23, and 38.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 10-12, 16, 20, 21, 29-31, 35, 36, 44, 45, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson et al. (US006775249B1), hereafter Gibson.

- In regards to Claims 1, 2, 11, 12, 16, 20, 21, 30, 31, 35, 36, 45, and 49, Gibson discloses connection handling in communication networks (Title).

Referring to Figs. 2 and 3, Gibson discloses a method and computer readable medium for operating GIRAFF 220 (application server) of an interfacing gateway between networks (Col. 11, lines 26-42; Col. 12, lines 40-42; claim 1,11,16,45 – method and system having application server and gateway; claim 20,30,35 – system and computer medium having instructions for executing a messaging session by a gateway and application server).

Gibson shows that an application process is initiated at CLI capture facility 350 upon receiving a call 300 and establishing a connection with the calling terminal (Col. 4, lines 45-50; claim 1,11,16,20,30,35,45 – initiating an instance of an application process for executing a sequence of messaging operations for a first type of incoming message, in response to reception of an initiation request from a gateway).

Gibson discloses CLI capture facility identifies information for the call and writes the information to message selector 310 (Col. 4, lines 50-58; claim 1, 11, 16, 20, 30, 35, 45 – initiating includes writing data into a structure that identifies information based on execution of the instance).

Gibson further discloses that fax detection facility 305 detects whether the call is a voice call or fax call and advises the message selector 310 to continue with processing of the appropriate call type, moving the call information to either FAX download 330 or Voice Download 355 based on the detection result (Col. 4, lines 59-64; claim 11, 16, 30, 45 – following sending the request, detecting by the gateway that the incoming call corresponds to second type incompatible with the first type and sending a reject message to the server; claim 1, 11, 16, 20, 30, 35, 45 – selectively terminating the instance by async event manager based on detecting, at a prescribed location in the sequence, a prescribed variable set during execution of the instance specifying second message type incompatible with the first type and the sequence of message operations are not to be performed – reject message; claim 1, 11, 16, 20, 30, 35, 45 – terminating includes terminating execution of the operations subsequent to the prescribed location and removing the data from the structure; claim 2, 21, 36 – first type is a voice message).

Gibson shows that the incoming call constitutes an initiation of messaging for both voice and fax call types (Fig. 3; Col. 4, lines 45-64; Col. 11, lines 48-53; claim 12, 16, 31, 49 - sending a second request concurrently with the first initiating request for initiation of a messaging session according to the second message type).

In Fig. 4a-b, Gibson shows that a voice message is downloaded and transmitted to the misdialing terminal regardless of whether the call is determined to be a fax call or a voice call. Therefore, Gibson does not explicitly show selectively terminating the instance prior to completing the sequence of messaging operations.

However, as shown above, Gibson discloses that the call is monitored by fax detection facility 305 in order to detect whether the call is a fax or voice call (Col. 4, lines 59-64). That detection result is then fed to message selector 310.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Gibson to enable selective termination of the instance prior to completing the sequence of messaging operations for a voice call. Because the fax detection facility of Gibson is capable of identifying the call as a non-voice call prior to the downloading and transmission of a voice message, terminating the voice call operations prior to the voice message downloading and transmission would eliminate unnecessary call processing and enable the system to operate more efficiently.

- In regards to Claims 10, 29, and 44,

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims.

Referring to Fig. 3, Gibson shows fax detection facility 305 operates to detect if the call is a fax call. If fax tones are not detected on the incoming call, thereby indicating that the incoming call is a voice call, further voice call processing may proceed (claim 10,29,44 – selectively completing execution of the messaging

operations, including transmission of a message recorded during execution of the instance, based on an absence of the prescribed variable being set upon the instance reaching the prescribed location in the prescribed sequence).

5. Claims 3, 5, 13, 14, 17, 19, 22, 24, 32, 33, 37, 39, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson in view of Chang et al. (US 20030095542A1), hereafter Chang.

- In regards to Claims 3, 22, and 37,

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims. Gibson discloses that messaging operations specified for processing a voice call are terminated when the incoming call is detected as being a fax call.

Gibson does not explicitly disclose terminating the instance specifying a voice over IP protocol message.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol (claim 3,22,37 – terminating the instance based on detecting a call rejection condition of a voip message).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method and system of Gibson to voice and fax call transmitted

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through Internet Protocol, as shown by Chang. Process initiation and call type detection for subsequent processing disclosed by Gibson could then be performed for voice and fax calls transmitted over the Internet using IP protocol just as they are performed for conventionally transmitted voice and fax calls.

- In regards to Claims 5, 24, and 39 (as best understood),

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims.

Referring to Fig. 3, Gibson shows fax detection facility 305 operates to detect if the call is a fax call. If fax tones are detected on the incoming call, thereby indicating that the incoming call is a fax call, further fax call processing may proceed (Col. 4, lines 59-64; claim 5,24,39 – determining includes identifying the incoming message as a fax message).

- In regards to Claims 13, 17, and 32,

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims. Gibson discloses that the same module is used for initiating message sessions for voice and fax calls.

Gibson does not explicitly disclose sending the second request to a second server for initiating the message session according to the second message being a fax.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26

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capable of receiving both voice and fax calls over the internet using IP protocol. Chang further discloses Fax Gateway 54 which interact with a separate fax server for sending and receiving fax messages (Pg. 7, paragraph 99; claim 13,17,32 – sending the second request includes outputting the second request to a second server for initiating the message session according to the second message being a fax).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of Gibson by utilizing a second server for initiating a message session according to a received fax, as shown by Chang. Having dedicated servers for handling different types of incoming calls enables multiple calls to be handled simultaneously.

- In regards to Claims 14, 19, 33, and 48,

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims. Gibson discloses voice and fax as being the two types of messages (claim 14,33,48 – first message is voice, second is fax).

Gibson does not explicitly disclose generating and sending a reject message specifying a voice over IP call reject message.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol (claim 14,19,33,48 – generating/sending a reject message to specify a voip call reject message).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method and system of Gibson to voice and fax call transmitted through Internet Protocol, as shown by Chang. Process initiation and call type detection for subsequent processing disclosed by Gibson could then be performed for voice and fax calls transmitted over the Internet using IP protocol just as they are performed for conventionally transmitted voice and fax calls.

6. Claims 6-9, 15, 18, 25-28, 34, 40-43, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson in view of Ito (US005594783A).

- In regards to Claims 6, 7, 9, 15, 18, 25, 26, 28, 34, 40, 41, 43, 46, and 47, Gibson discloses connection handling in communication networks that covers all limitations of the parent claims.

Gibson does not explicitly disclose deleting a recorded message prior to storage in a subscriber message store.

Ito discloses a telephone apparatus for recording a predetermined message in place of a CNG tone. Ito discloses that a telephone starts recording a message prior to detecting the call is a fax call. Upon such detection, Ito shows that the recorded message is deleted and a switching message is recorded (Title; Abstract; claim 6,15,18,25,34,40,46 – removing includes deleting a recorded message prior to storage in a subscriber message store in response to reject message; claim 7,26,41,47 – terminating includes adding a log entry indicating deletion of the recorded message

prior to storage within a subscriber message store, based on detecting that the prescribed variable specifies a detected difference between the first type and a detected type; claim 9,28,43 – terminating includes halting operations for transmission of a message, recorded during execution of the instance, into a subscriber message store).

It would have been obvious to one of ordinary skill in the art at the time of the invention to enable the method and system of Gibson to delete a recorded message and add a log entry indicating deletion prior to storage in a subscriber message store as shown by Ito. This would prevent wasting of memory capacity for the storage of voice messages.

- In regards to Claims 8, 27, and 42,

Gibson discloses connection handling in communication networks that covers all limitations of the parent claims.

Referring to Fig. 3, Gibson shows fax detection facility 305 operates to detect if the call is a fax call. If fax tones are not detected on the incoming call, thereby indicating that the incoming call is a voice call, further voice call processing may proceed. Conversely, if fax tones are detected on the incoming call, thereby indicating that the incoming call is a fax call, further fax call processing may proceed (Col. 4, lines 59-64).

In Fig. 4a-b, Gibson shows that a voice message is downloaded and transmitted to the misdialing terminal regardless of whether the call is determined to be a fax call or

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a voice call. Therefore, Gibson does not explicitly show selectively terminating the instance prior to completing the sequence of messaging operations.

However, as shown above, Gibson discloses that the call is monitored by fax detection facility 305 in order to detect whether the call is a fax or voice call (Col. 4, lines 59-64). That detection result is then fed to message selector 310 (claim 8,27,42 – first type is a voice message; claim 8,27,42 – setting the prescribed variable to not perform the sequence of operations based on detecting that the incoming message is a fax).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Gibson to enable selective termination of the instance prior to completing the sequence of messaging operations for a voice call. Because the fax detection facility of Gibson is capable of identifying the call as a non-voice call prior to the downloading and transmission of a voice message, terminating the voice call operations prior to the voice message downloading and transmission would eliminate unnecessary call processing and enable the system to operate more efficiently.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 11, 16, 20, 30, 35, and 45 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 8/5/2005 regarding claims 12, 31, and 49 have been fully considered but they are not persuasive.

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- In the Remarks on pg. 18 of the Amendment, Applicant contends that Gibson does not disclose the claimed limitation of a second concurrent messaging operation.
- The Examiner respectfully disagrees. As shown in the rejection of claims 12, 31, and 49, above, Gibson shows that the incoming call and CLI capture is performed prior to detecting the call as voice or fax. This disclosure of Gibson constitutes an initiation of concurrent messaging for both voice and fax call types.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS
10-14-2005



JOHN PEZZLO
PRIMARY EXAMINER